

REMARKS

The Office Action dated July 25, 2007, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. The presently pending claims are listed above for the Examiner's convenience.

Claims 1-18 are currently pending in the application, of which claims 1, 11, and 15-16 are independent claims. Claims 1-18 are respectfully submitted for consideration.

At items 1-2, page 2, of the Office Action, claims 15-16 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0026230 of Ibanez et al. ("Ibanez"). Applicant respectfully traverses this rejection.

Claim 15 is directed to an apparatus including a plurality of transmission units. The plurality of transmission units are configured to communicate using a single packet data context. Each of the plurality of transmission units has a unique internet protocol address.

Claim 16 is directed to an apparatus including a plurality of transmission means for communicating information in a communications network. The plurality of transmission means are configured to communicate using a single packet data context. Each of the plurality of transmission means has a unique internet protocol address.

Applicant respectfully submits that Ibanez fails to disclose or suggest all of the features of any of the presently pending claims.

Ibanez generally relates to proxy duplicate address detection for dynamic address allocation. In Figure 1, as described at paragraphs [0024] and [0025] of Ibanez, Ibanez

illustrates a block diagram of a mobile telecommunication network that includes a General Packet Radio System (GPRS) system. The system includes terminal equipment (TE) in communication with a mobile terminal (MT). The MT is in communication with a base station subsystem (BSS), which – in turn – is in communication with a mobile switching center/visitor location register (MSC/VLR) and a serving GPRS support node (SGSN). The MSC/VLR is in communication with a gateway mobile switching center (GMSC) and a home location register (HLR). The SGSN is in communication with a gateway GPRS support node (GGSN), which can interconnect the GPRS system with a packet data network (PDN). As illustrated in Figure 1, a second BSS, MT, and TE are also included in the system.

In Figure 5 and corresponding description at paragraphs [0045] and [0048] of Ibanez, Ibanez provides a flow diagram illustrating the processing of a Neighbor Solicitation message in accordance with one embodiment of Ibanez. In that embodiment, more than one IP address is allowed per PDP context, envisaging the possibility that the GPRS Release 99 restriction of one IP address per PDP context might be removed. Accordingly, at step 110, if it is determined in step 108 that a tentative address is different from the one stored in the PDP context, the GGSN can determine whether multiple IP addresses are allowed. If the result is that they are not allowed, the GGSN can proceed to step 116, and if they are allowed, then the GGSN can proceed to step 112, which identifies whether the tentative IP address is already in use by another PDP context. If it is already in use, the GGSN can proceed to step 116, but if it is not already

in use the GGSN can proceed to step 114, in which the GGSN adds the tentative address to the list of addresses currently in use for the Access Point Name (APN).

Claim 15 recites, “An apparatus, comprising: a plurality of transmission units, wherein the plurality of transmission units are configured to communicate using a single packet data context, and wherein each of the plurality of transmission units has a unique internet protocol address,” and claim 16 recites, “An apparatus, comprising: a plurality of transmission means for communicating information in a communications network, wherein the plurality of transmission means are configured to communicate using a single packet data context, and wherein each of the plurality of transmission means has a unique internet protocol address.” Ibanez fails to disclose either of these apparatuses as claimed.

The Office Action took the position that these claims were anticipated by Ibanez’ disclosure at Figure 1, and paragraphs [0024], [0025], [0045], and [0048]. Each of those cited passages is discussed above. The Office Action’s conclusion of anticipation is incorrect.

For example, none of the cited passages mention an apparatus that includes “a plurality of transmission units” or “a plurality of means for communicating information” as recited respectively in claims 15 and 16. Accordingly, it is respectfully requested that the rejection be withdrawn for at least this reason.

Furthermore, for example, none of the cited passages mention that any apparatus includes even one transmission unit or transmission means (much less a plurality of transmission units or transmission means) that has “a unique internet protocol address,”

as recited in claims 15 and 16. Indeed, as best understood, the cited passages in paragraphs [0045] and [0048] envisage a situation in which a transmission unit or transmission means might have a plurality of internet protocol addresses. Accordingly, it is respectfully requested that the rejection be withdrawn for at least this further reason.

Additionally, for a further example, none of the cited passages mention that that any apparatus includes even one transmission unit or transmission means (much less a plurality of transmission units or transmission means) that has been “configured to communicate using a single packet data context,” as recited in claims 15 and 16. The cited passages, on the contrary, appear to be silent as to the number of packet data contexts with which each transmission unit can communicate. Accordingly, it is respectfully requested that the rejection be withdrawn for at least this additional reason.

In short, Ibanez simply mentions the general concept of the “one IP address per PDP context” restriction being removed (paragraph [0045]), and the possibility that more than one IP address might be used by a given Mobile Station (MS) (paragraph [0048]). Neither of those concepts is what is claimed, and consequently the rejection should be withdrawn, and it is consequently, respectfully requested that the rejection of claims 15-16 be withdrawn.

At items 3-4, page 2-4, of the Office Action, claims 1-9, 11-14, and 17-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0101859 of Maclean (“Maclean”) in view of Ibanez. The Office Action took the position that Maclean discloses all of the features of the claims except

“one PDP context for a plurality of IP addresses.” The Office Action cited Ibanez to remedy this deficiency of Maclean. Applicant respectfully traverses this rejection.

Claim 1, upon which claims 2-10 and 17 depend, is directed to a data transmission method. The method includes employing a packet protocol for data transmission. The method also includes identifying at least some participants of the data transmission with internet protocol addresses. The method further includes activating a packet data context for data transmission between identified participants. The method additionally includes associating one packet data context with more than one internet protocol address. The method also includes transmitting data between the identified participants.

Claim 11, upon which claims 12-14 and 18 depend, is directed to a telecommunication system including a first unit and a second unit. The first unit and the second unit are configured to communicate with each other using a packet protocol for data transmission. At least some participating units of the transmission are identified with internet protocol addresses. The first and the second unit are configured to activate a packet data context for data transmission between the units. The first unit and the second unit are configured to associate one packet data context for more than one internet protocol address.

Applicant respectfully submits that the combination of Maclean and Ibanez fails to disclose or suggest all of the elements of any of the presently pending claims.

Maclean generally relates to communicating between nodes in different wireless networks. As explained particularly at paragraphs [0042] to [0044], Maclean notes that a

PDP context can be created. The associated PDP Context Create request can include two IP addresses: a source IP address, and a destination IP address. Furthermore, intermediate network elements can convert a source IP address from an address within a private network to a public network address for outbound packets, and vice versa for inbound packets.

Claim 1 recites, in part, “associating one packet data context with more than one internet protocol address.” Maclean fails to disclose or suggest this feature of claim 1, as the Office Action admitted.

Claim 11 has its own scope, but similarly recites “wherein the first unit and the second unit are configured to associate one packet data context for more than one internet protocol address.” Thus, claim 11 similarly recites subject matter that MacLean fails to disclose or suggest.

These features of claims 1 and 11 can provide critical and unobvious advantages. As explained in the present specification, at page 1, lines 31-32, in a typical scenario, a packet data context is associated with one IP address. In contrast, as explained at page 7, lines 22-26, of the present specification, certain embodiments of the present invention associate a plurality of IP addresses with a single packet data context. One critical and unobvious advantage of the approach described in the specification is that it can assist in a situation in which, as shown in Figure 2 of the present application, a mobile terminal includes more than one device. This critical and unobvious advantage, which can accrue to embodiments of claims 1 and/or 11, provides evidence of non-obviousness.

As noted above, the Office Action admitted these deficiencies of Maclean and cited Ibanez, which does envisage the possibility of the restriction against more than one IP address per PDP context being removed. There would be, however, no teaching, motivation, suggestion, or other reason why one of ordinary skill in the art would have sought to combine such a portion of Ibanez' disclosure with Maclean's embodiment, without the benefit of the disclosure of the present application. Thus, the combination is improper hindsight reconstruction.

The Office Action asserted that the motivation to make the combination would be "to send a [sic] packet data [sic] to a plurality of participants which is [sic] a [sic] potentially save time and cost of operating the data packet system." This alleged motivation cannot support the rejection for at least the following reasons.

First, the proposed motivation is not addressed to what is claimed. Sending packet data to a plurality of participants is not the same as associating a plurality of internet protocol address with a single packet data context. Thus, the proposed motivation is not directed to what is claimed, and consequently is irrelevant and does not support the rejection.

Second, the proposed motivation is not addressed to what is disclosed in Ibanez. The cited disclosure in Ibanez relates to a single participant (a mobile station MS) that might have a plurality of IP addresses. Accordingly, Ibanez' teaching would not result (with reasonable expectation of success) in sending packet data to a plurality of

participants. Thus, again, the proposed motivation is irrelevant and does not support the rejection.

Third, the proposed motivation is not something that would be expected to be achieved the alleged benefits with any reasonable expectation of success. Specifically, sending a packet of data to a plurality of participants would not be expected (by one of ordinary skill in the art) automatically to result in savings in terms of time or cost of operating a system. Furthermore, the Office Action only asserted that the savings are “potential,” which further shows that there is no reasonable expectation of success. Thus, even if the proposed motivation were otherwise appropriate, it would not support a *prima facie* rejection because of lack of reasonable expectation of success.

Fourth, the proposed motivation is without evidentiary support. In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness. See *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). A *prima facie* case of obviousness is established by presenting evidence that the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed combination or other modification. See *In re Lintner*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972). Furthermore, the conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the

references to arrive at the claimed invention. *See In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Rejections based on § 103 must rest on a **factual basis** with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The Examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. *See In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967). In the present rejection, however, the proposed motivation to combine is not based on evidence, and consequently the rejection is not a *prima facie* rejection.

Accordingly, for at least the four reasons discussed above, the rejection of claims 1 and 11 is improper and should be withdrawn, and withdrawal of the rejections of claims 1 and 11 is respectfully requested.

Claims 2-9, 12-14, and 17-18 depend respectively from, and further limit, claims 1 and 11. Accordingly, claims 1 and 11 also recite subject matter that is not disclosed or suggested by the asserted combination of Maclean and Ibanez, at least because the asserted combination is an improper combination. It is, thus, respectfully requested that the rejections of claims 2-9, 12-14, and 17-18 be withdrawn.

Additional distinctions also exist with respect to at least some of claims 2-9, 12-14, and 17-18. For example, claims 3, 12, and 13 recite some similar features as those discussed with respect to claims 15-16, with respect to which Ibanez is deficient.

The Office Action took the position that such features are disclosed by Maclean at Figures 2-4b and paragraphs [0038] to [0044]. The cited portions of Maclean, however, do not disclose or suggest “identifying one or more units of terminal equipment ... connected to a mobile termination,” as recited in claim 3, or a “first unit” that includes “a mobile termination and one or more units of terminal equipment,” as recited in claim 12. Instead, Maclean simply indicates (as the Office Action’s discussion at page 4 indicates) that a terminal is a mobile station, and that the packet transmission can involve other network elements. Accordingly, Maclean cannot remedy the above-identified deficiencies of Ibanez with respect to the features of claims 3 and 12, and the rejections of claims 3 and 12 should be withdrawn for at least this further reason.

Additionally, claims 3 and 12 indicate that each of the units of terminal equipment is identified by a “different” (claims 12) or “unique” (claim 3) internet protocol address. As Maclean does not teach the underlying feature of a mobile termination that includes a plurality of units of terminal equipment, Maclean also does not disclose or suggest that each such unit has a different internet protocol address. Accordingly, again, Maclean does not remedy the above-identified deficiencies of Ibanez with respect to claims 3 and 12.

Furthermore, claims 4-5 depend from and further limit claim 3 and claim 13 depends from and further limits claim 12. Thus, claims 4-5 and 13 also clearly recite subject matter that is neither disclosed nor suggested in the combination of Maclean and Ibanez, even if the combination were proper, which it is not. Accordingly, for this

additional reason, it is respectfully requested that the rejection of claims 3-5 and 12-13 be withdrawn.

At item 5, pages 4-5, of the Office Action, claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Maclean in view of Ibanez and further in view of U.S. Patent Application Publication No. 2002/0191562 of Kumaki et al. (“Kumaki”). The Office Action took the position that the combination of Maclean and Ibanez discloses all of the features of claim 10, except “the MS sending a request for releasing the IP address.” The Office Action cited Kumaki to remedy this deficiency of the combination of Maclean and Ibanez. Applicant respectfully traverses this rejection.

Claim 10 depends from, and further limits, claim 1. At least some of the deficiencies of the combination of Maclean and Ibanez with respect to claim 1 are discussed above. Kumaki fails to remedy the above-identified deficiencies of the combination of Maclean and Ibanez. Consequently, the combination of Maclean, Ibanez, and Kumaki fails to disclose or suggest all of the elements of any of the presently pending claims.

Kumaki generally relates to a router device, datagram transfer method, and communication system for realizing handoff control for mobile terminals. At paragraph [0186], Kumaki mentions that an IP address release request is sent from a mobile terminal to an MSR; similarly, at paragraph [0552], Kumaki describes how such an IP release request is processed.

Accordingly, it is unsurprising that Kumaki fails to remedy the above-identified deficiencies of the combination of Maclean and Ibanez. Therefore, it is respectfully requested that the rejection be withdrawn because the combination of Maclean, Ibanez, and Kumaki fails to disclose or suggest all of the elements of any of the presently pending claims.

Particularly, as noted above, the combination of Maclean and Ibanez is improper, and the further addition of Kumaki to the combination only worsens the combinatorial problem. Specifically, as with the motivation discussed above, the motivation for extracting an alleged teaching from two paragraphs within Kumaki's lengthy disclosure is not addressed to what is claimed, would not be reasonably expected to result in the alleged benefits, and is not supported by evidence of record. Accordingly, for similar reasons to the first, third, and fourth reasons why the combination of Maclean and Ibanez is improper (as set forth above), the combination of Maclean, Ibanez, and Kumaki is also improper, and it is respectfully requested that the corresponding rejection of claim 10 be withdrawn.

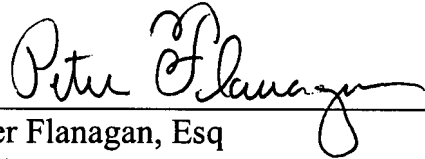
For the reasons set forth above, it is respectfully submitted that each of claims 1-18 recites subject matter that is neither disclosed nor suggested by the cited art. It is, therefore, respectfully requested that all of claims 1-18 be allowed, and that this application be passed to issuance.

If, for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in cursive script, reading "Peter Flanagan", written over a horizontal line.

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